THE PRACTISES OF THE EARL of LEICESTER

Against the
MINISTER of PENSHERST:
Laid open in a

NARRARIVE

Sent to his late Highneſs

OLIVER LORD PROTECTOR

Auguſt 5. 1658.

JUDG. 19. 30.

Conſider of it, take advice, and ſpeak your minds.

LONDON, printed by *T. R.* for the Author, 1660.

BRITISH MUSEUM

To his Highneſs

OLIVER LORD PROTECTOR

Of the

Common-wealth of *England*, *Scotland* and *Ireland*, &c.

May it pleaſe your Highneſs,

YOur Highneſs's Declaration for a Thanksgiving upon Wedneſday *laſt*, July 21. hath given me occaſion as a providential encouragement of God for this humble addreſs, by the incloſed Narrative, obſerving what grief of heart it was to your Highneſs, that the laſt Parliament was broken up before they could begin to think of a ſettle-

ment for Religion, and the civil Government of this Nation, as your Highness intimates in the beginning of this Declaration. But I know your Highness hath learn'd of God to look higher then sublunary Instruments in all such Events; and that the most high ruleth in the kingdom of men, and bindeth up the hearts and counsels of the Nations; as at the same session he marvellously bound up your Thames within, that the Channel could not run with any freeness.

My Lord, I desire to be still one of those Remembrancers that give the Lord no rest till he hath made his Jerusalem a praise in the earth, and to see before I die, Gods gracious presence re-established in our Sion in the beautie of his holiness, and this poor unworthy Common-wealth reformed into a more righteous Government then hitherto we have obtained. God hath lately shewed me to my grief much iniquity in the very frame, and what God hath

shewed

shewed me, I crave the boldness to give a hint to your Highness of it in this Narrative, that you may have the glory beyond many Lawgivers of this Nation. Your Predecessors in the Throne to reform the constitutions of the Courts of Justice into a more excellent conformity with the wisedom of Gods Word where they are out of course. And what if God hath carried on this afflicted cause (now at length before your Highness) for this purpose, that it might be an inducement to your Highness to seek of God (as Moses did in all difficult cases) a better way for your people, whom I hear in many corners of the land groaning and complaining under their great oppressions through the Corruptions of Law.

This case between the Earl of Leycester and my self, fell out to be concluded but a few weeks before the session of the last Parliament, and I feared sadly for your Highness and the whole Nation, what would follow there-

upon, it being sometimes the course of God to take advantage against a Nation in bringing a general Judgement upon them for some eminent Act of Cruelty and Injustice committed against one of his little ones. The Lord who is afflicted in all our Afflictions, give my Lord Protector a compassionate heart to relieve the poor, who put their trust in the Lord, against the proud and mighty that boast themselves against them.

To draw up all in short, that I may not intrench upon the weighty affaires that are before your Highness, you have here, my Lord, the innocent condemned, yea a whole family to be cut off as far as the Law can reach them. A most cruel Verdict abhorred by the consciences of your Judges yet unreversed; The right of the Gospel Ministry in reproof of sin discountenanced; and the Priviledge of the Peers whilest they were laid aside by Parliament unduly allowed against a clear Law, a-

gainst

gainst common reason, and against all Presidents in Courts of Justice untill this present case. Whereupon it followed that the preparations made by your Highness and Parliament before their adjournment in a hopefull way for some settlement in the civil Government, were notwithstanding at their next meeting soon unravelled upon the difference of the houses about the very point of Peers, and those Gentlemen that had a hand in condemning this cause; the one at the Assize, the other in the upper bench, both by a signal check of providence, repulsed in a message to your house of Commons upon this point. Oh, my Lord, whilest the Controversie was managed in private, I could shew your Highness how terribly God pleaded with our adversary in private, laying it sorely upon himself and his family, but since he hath broke out into the publick, and managed mischief by a Law; Now God hath appeared in publick likewise, and yet he

knows I grieve to think what an influence it hath had upon your Highnes's Affairs, and may yet have if not prevented.

If therefore the Lord shall shew this afflicted cause to your Highness, and all the iniquity that hath moved him to any displeasure thereupon, be pleased to answer Gods expectation in some way of speedy redress; And let my Lord do for God and his distressed ones, as much as King Pyrrhus did for Fabricius the Roman General, who while he was ingaged in a War with the Romans, his Physician sent to Fabricius, telling him, that if he pleased, he would poyson his Master, but Fabricius abhorring such a villany, sent Pyrrhus word of it, whereupon he apprehended and crucified his Physitian; and withal to testifie his gratitude to Fabricius, dismissed all the Roman Prisoners without Ransome, acknowledging that he could not make sufficient compensation for such a favour.

My

My Lord, God hath delivered up those into your hands that lately sought your life, and hath put into your hands Dunkirck. *that inimicitious Fort of Flanders that hath so often annoyed this land, and from whence the enemy had prepared now also to annoy you: and what more answerable return can your Highness make to your good God, that in pity hath saved us, then to restore Gods Captives that are laid up even in your chains, which is all that is humbly desired at this time by*

My Lord

Your Highness most humble and faithfull servant,

Pensherst,
July 22. 1658.

JOHN MAUDIT.

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2 JY 58

A NARRATIVE OF The Sufferings of the Minister of *Pensherst* under the Prosecution of the Earl of *Leycester*.

BRITISH MUSEUM

May it please your Highnes

WHatsoever your Highness owne troubles may be in this heavy and burthensome place, (wherein we cease not to pray for you) yet I hope you have a Christian ear and heart o-

pen

pen to receive the complaints of Gods poor oppressed people from all places, making it your chief work, as our Lord the chief Shepherd, to mind the poor of the flock above your self, to carry the Lambs compassionately in your bosome, and diligently drive those that are with young: this is indeed a princes trust, comfort and security.

His Comfort, as you may see in *Job* 16. 17, 25. *I was a father to the poor, and the cause which I knew not, I searched out, and I brake the jaws of the wicked, and pluckt the spoil out of his teeth. Then I said, I shall die in my nest, and I shall multiplie my dayes as the sand.*

Thus *Job* once solaced himself.

with the thoughts of his care and compassions over the afflicted, and he assumes this Title in the close of all to himself as his great glory, That he was one that had comforted the Mourners.

His Security and Establishment, as we see in *Phineas*, of whom the spirit testifies, *Then stood up* Phineas *and executed Justice, and so the plague stayed*: that one act of Justice establishing him in an everlasting Priesthood, and freeing the land from a general Judgement.

The Lord make both good to your Highness, that it may be your comfort and stability to relieve the afflicted; for it is one of the most experienced Maximes of State, the Book of Gods

Re-

Recordes, [illegible] is filled with most Presidents of, *Did not thy Father eat and drink, and do judgement and justice, and then it was well with him*, saith the Lord to *Josiah's* son? *He judgeth the cause of the poor and needy, then it was well with him, was not this to know me*, saith the Lord? *Jer.22.15,16.*

My Lord, my case is much one with the poor distressed men of *Jabesh Gilead* in King *Sauls* dayes, 1 *Sam.11. 1. &c. Nahash the Ammonite came up, and encamped against* Jabesh Gilead: *and all the men of* Jabesh *said unto* Nahash *make a Covenant with us, and we will serve thee.*

And Nahash *the Ammonite answered them on this con-*

condition, Will I make a Covenant with you, that I may thrust out all your right eyes, and lay it for a Reproach upon all Israel.

And the Elders of Jabesh said unto him, give us seven dayes respit that we may send Messengers unto all the coasts of Israel; and then if there be no man to save us, we will come out to thee.

Then came the Messengers to Gibeah of Saul, and told the tidings in the ears of the people, and all the people lift up their voice and wept.

And behold Saul came after the herd out of the field, and Saul said, what aileth the people that they weep? and they told him the tidings of the men of Jabesh.

And the Spirit of God came

came upon Saul when he heard those tidings, and his anger was kindled greatly, and he took a yoke of Oxen, and hewed them in pieces, and sent them thorough out all the coasts of Israel by the hands of Messengers, saying, whosoever cometh not forth after Saul and after Samuel: so it shall be done unto his Oxen, and the fear of the Lord fell on the people, and they came out with one consent.

My Lord, I have been truly besieged many years by the Earl of *Leycester*, whiles I have laboured in much sincerity in the work of the Gospel here to gain this little flock to Christ, who hath for this seven years cut off the dues of Tithes which his Lordship should have

paid

paid for maintenance of me and my afflicted family; so that for want of our own, we have been burthensome to our friends for a livelihood; besides the said Earl hath for these six years devoured our Gleab-land by making a Warren next to our land; so that we have lost in the judgement of judicious men above half the profit of the land yeerly, whil'st my Lord (making it a Warren for profit, not for pleasure) hath inriched himself by multitudes of Rabbets sold to *London*, which winter and summer were fed upon our ground. Besides this also, the said Earl hath seized upon our wood, timber and trees at several times, and a parcel of the

Gleab-

Gleab-land which he hath railed off from us for these five years together, to distress us in the accommodations of our Gleab. And after all this and many more grievous Molestations which have endangered the life of my wife thorough great frights sometimes, and cast both of us into sickness often. The word of God in *Levit.* 26.14,15,16. leading us to reprove those that cast off Gods Ordinances, I applyed the word of God against the Earl of *Leycester* by name, for withdrawing from the presence of God for five years together, and greatly discouraging the Reformation of Religion in this place, as also for much cruel usage of me and other un-

unwarrantable courſes which he perſevered in, notwithſtanding many private addreſſes made to his Lordſhip by my ſelf to convince him of the evil of his ways; his rage growing yet higher and higher, year after year; whereupon the Earl commences a ſuit againſt me, declaring, that I ſpake theſe words againſt him, *viz. That the Earl was a wicked man, a cruel Oppreſſor, and an enemy to Reformation*, and got 500 li. damages at the Aſſize in *Kent*. Some of the Iury being drawn on as they have ſince confeſſed, with a pretence, that the Earl would not take a farthing of the money, but only have a Fine for his honour: but having got the Verdict, he pro-

prosecuted it vigorously at the upper bench to have it confirmed. The Judges being through the hand of God upon their hearts inclin'd to pity, and having a high sense of the grievous damages, took the cause into mature deliberation, and arrested the Judgement for three Terms, hearing the Counsel on both sides. Mean while Applications were made to the Earl by Major General *Kelsey*, Sir *Michael Lensey* High Sheriffe, Lieutenant Col. *Compton*, Captain *Brown*, Dr. *Thomas Goodwin*, Mr. *Neigh*, Mr. *Lockier*, Mr. *Griffith*, and Baron *Parker*, that his Lordship would be pleased of his own accord to remit the damages that were given him, which would be

more

more for his honour then thousands in reparation. His Lordships answer to them was, that the Law should go on till I was at his Mercy, and then he would do what he should think fitting. At the length God moved the hearts of the honourable Judges of the upper bench to send two messages to his Lordship, the one by the Earls Solicitor Mr. *Pew*; the other by Mr. *Broughton*, the Clark of the Crown, ordering Mr. *Pew* to writ to his Lordship from them, that though his Lordship had the Judgement, yet he should forbear to take out any execution against the Defendant for person or goods, or moleft me farther to disturb me in the work of the Ministry,

ſtry, and withal appointed Mr. *Broughton* to go down in perſon to the Earl, and let him know the mind of the Court therein. Mr. *Broughton* after he had delivered the Meſſage of the Judges, was bold to preſs his Lordſhip with many arguments of religion and honour, to let fall his diſpleaſure, and be inclined to a Chriſtian Reconciliation.

But theſe being not accepted, he offered his Lordſhip 100 l. towards his charges in the ſuit; that being not accepted, he offered his Lordſhip to have the Gleab-land, and take out his own ſatisfaction as he pleaſed thereupon: all which being rejected, he offered upon ſome reaſonable time given,

the Minister should quit the place, and be gone. Indeed my Lord we thought it too much after all our wrongs we had sustained, to give up a place that we had settled upon us for our life by a gracious act of your Highness in confirming of Sequestrations upon the Ministers, who aforetime were greatly opposed by turbulent people in those places for want of a settlement: especially seeing it was not for any debt that we owed the Earl, or cleer damage, but for words which were wrongfully laid to my charge: but had they been spoken, my Lord chief Justice *Glinn* was pleas'd openly upon the case, to declare they were not so much as actionable at com-

mon

mon Law, and so not worth two pence. But Mr. *Broughton* thinking that would content him, we were willing, if the Will of God were so, (taking the advice of our brethren in the Ministry in the case (with all convenient speed) to depart, and go where God should call us: But the Earl granting us no time of deliberation, but having a mind to our goods as well as our Tithes, and our land, next day after Master *Broughton* departed, puts the execution (which he had got by him before Mr. *Broughtons* Application, notwithstanding the advertisment sent him from the Judges by his own solicitour) in force, and sends to the Sheriffe for a *fieri facias*, and so seizes upon

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on all the goods he could find of ours within doors, and without, our Kine, our Barns of corn, and wood-barns, Waggons, Hay, and houshould furniture, Hangings, Tables, Chairs, Beds and bedding that were under us, and our Children, and the least inconsiderable Implements that could be found.

Alas! now we found by sad experience, what it was to be given up to the Earl of *Leycesters* mercy, which many in City and Country were held in expectation of, but we had found ever cruell: being used thus with so much rigor and extremity, Mr. *John Skylard* a Gentleman of this Parish, offered his Lordship these three propositions in our behalf.

1. That my Lord be pleased to give the Minister a full release of the Judgement his Lordship hath against him, upon his resignation of this Rectory.

2. That a competent time be agreed on for removal of his family, and goods coming in this summer, and seeking a settlement in some other place, which cannot well be less then a years time, or about *Michaelmas* come 12. months; in the mean time, that Mr. *Samuel Seyliard* officiate here in the Ministers absence by his Lordships permission.

3. That his Lordship and the rest of the parish be pleased to pay the rest of the place unto the Minister peaceably, together with the Arrears

that

are due, until the time which his Lordship shall agree unto for the resigning up of this place unto him.

The Earl of *Lycester*'s answer was, that he did not like the Propositions in regard that the time was too long; & that he would not meddle with the Arrears of the Parish. Mr. *Seyliard* replyed, that less time would suffice, then 2 years space for the Ministers resignation, if his Lordship would not allow him so much; and for Arrears of the Parish, he and others would take care to be gathered up and paid, if his Honor would engage for his own Arrears; and if these Propositions did not like his Honour, that then he would be pleased to say what would content him.

His Lordship made answer, No, he would not declare himself, but when Propositions were made that he liked of, he would say something to them. While these things were in agitation, and friends were preparing yet more acceptable terms, (as was thought) his Lordship makes haste to get what was to be had, and renewes his writ, and comes upon us suddenly by Bayliffes, who in an unlawfull way climbed up into the stables where our horses were, and brake in, and unhanged the door, and took out two Mares, which were also sold off, and the monies, as the former, returned for his Lordship. After this (by the importunity of friends

being perſwaded, who took exceedingly to heart our ſufferings under this Earl from time to time, as did all good Chriſtians) Captain *Yeke* went in to his Lordſhip with this our propoſition.

That his Lordſhip be pleaſed to give the Miniſter a releaſe of the Judgement of 5 l. upon his reſignation of this Rectory at Martinmas next.

The Anſwer that Captain *Yeke* brought from his Lordſhip, was, *That he expected to have what the Country gave him, and he would be under no Contract with me for the future; but if I brought my Reſignation to him, he would do what he ſhould think fitting.*

Thus was the Anſwer, as

well nigh as I could take it from the Captain, that his Lordship at length is come to, expecting, for ought I can understand, that I should come forthwith with my Resignation, not allowing me half a years time to remove my family, and place my self other where; whereupon it would follow, that I must loose the benefits of this year also, which is now ready to come in; and yet after all this, If I or the Captain that brought this Answer, understand his Lordship, by refusing to be under any *Control pro futuro*, he expects I should deliver up my Resignation to him, and then leave him to his pleasure, whether he will also take the benefit of the Judg-

ment of me, or give me any Arrears for. Is this or no? this seems to be like the old strain, that I should cast my self upon his mercy, which I trust in the Lord I shall never [illegible] of. For, my Lord, a sad story in a short Map of many years sufferings, we are strictly besieged with a potent enemy, whose thirst we know not what will satisfie; he hath kept our dues for seven years, and devoured our Land, seized upon our goods before the Judgement was given him, so much more since; and how low soever he hath us under his feet, it makes him so much the higher to insult over us. Is it a right eye that would content him? No, my Lord: but if we may give a

gueſs, our very [illegible] would ſcarce ſatisfie him, not being contented with a ſurrender of this place, but endeavouring farther, as I have cauſe to fear, the utter undoing not only of my ſelf, but alſo of my poor afflicted family; if God prevent it not; O my Lord, I beſeech your Highneſs conſider it well, what is my crime, that I ſhould ſuffer theſe things, and that in your dayes when God hath raiſed up ſo Chriſtian a Magiſtrate for the help of his oppreſſed people, and chaſtiſement of thoſe that oppoſe the Plantation of Zion, the Reformation of the Church. Shall a Miniſter of the Goſpel be worried thus in the conſcientious diſcharge of his office againſt an offen-

offendour? Shall a Christian reproof in this first President be accounted sedition, and the innocent be condemned? Shall the Priviledges of the old Peerage be raised upon the ruines of my family only, which since the act of the Common-wealth have been questioned in so many cases granted in none but this? Shall it be filed up in the Court of Heaven against the great day of Judgement, that this was the Justice of *England*, to make a man such an Offendor for a word which was not actionable, if it had been spoken, yea, to ruine him for it? In Qu. *Maries* days it was but 100 l. fine to have spoken worse words then these of the Queen her self: And

There being not one President upon English Records, that such ministerial reproof was accounted an act of Sedition.

Statute *An. primo & secundo Mariæ, c. 3.*

shall God stand upon Record for the Earl of *Leycester* for saying, *He is a mad man.* If my Lord of *Leycester* do not say, at length as that *Answerer*, yet will not the Adversaries of Reformation say it. And for this he also had for a reproach to all their Israel.

Shall not the Lord visit for these things? yea, and hath he not already begun to visit, if we could see his hand, for it is not unusual with God for one man's sin to visit with a general Judgement, witness the famine in *David's* time, for *Saul's* cruelty upon the *Gibeonites*; the overthrow of the state of Israel for *Elies* [son lewdness. The Mariners danger of Shipwrack for *Jonah* his of-

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you; how be it the Lord
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shall good stand upon Record for the Earl of *Leycester* for saying, He is a proud man. If my Lord of *Leycester* do not say, at length as I have *said* before, yet will not the Adversaries of Reformation say so? And let this be also laid for a reproach to all their Israel.

Shall not the Lord visit for these things? yea, hath he not already begun to visit, if we could see his hand, for it is not unusual with God for one man's sin to consist with a general Judgement; witness the famine in *David*'s time, for *Saul* cruelty upon the *Gibeonites*; the overthrow of the state of Israel for *Elies* sons lewdness. The Mariners danger of Shipwrack for *Jonah* his offence.

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seems not to accept from Princes that excuse for publick miscarriages in the Common-wealth. *Behold we knew it not*, Pro. 24. 11, 12. *If thou forbear to deliver them that are drawn* * *unto death, and those that are ready to be slain: if thou* † *say, Behold we knew it not, doth not he that pondereth the heart, consider it, and he that keepeth* * *thy soul, doth not he know*

* Qui opressus, saith Junius.

† Ne putes tibi excusationem fore segnitiæ tuæ aut infirmitatis, quasi ne sciveris pessime cum illis agi aut vanum juvandi illos, aut liberandi minime tenueris (crimen in leges transferendæ). Nam Deus judex ejusmodi est qui expendat omnia corda, optime cognoscat, & justissime judicaturus sit.

* A malo-fen periculo quo devenit proximus tuus, tu autem ab eo liberaris, ut oppressus opitulaveris. Sic Esthera 4. 13, 14. Junius.

it?

it, and shall not he render unto every man according to his works? The Lord therefore give me favour in your highneſſe's ſight, in making known to your Highneſs the diſtreſſes of our deeply afflicted hearts; for we have confidence in your Highneſs tender compaſſions, and readineſs to relieve all Oppreſſions. We were unwilling hitherto (though we bore much) to create trouble to your Highneſs about our cauſe, knowing your burthen to be great enough in ordering the publick Affairs of the Nation: but now that our Adverſary hath acted all this againſt us upon the publick Theater of the Courts of Juſtice, and that in the Protectors name, and nothing

ſeems

seems to consent him herein but our ruine (having executed this Judgement to the utmost of his power for the destroying of me and my family) we dare not hold our peace, but commending our cause to the Lord for Counsel, are bold to solicit that power God hath put in your Highness hands for our relief, trusting, that as *Moses's* eare were open to the daughters of *Zelophehad's* complaints in their particular case, as well as to the publick Affairs, yea, and made a new Law for them, when the common Law could not relieve them: So the Lord will also graciously affect your Highness heart with these our sufferings in particular, and by his spirit of wisdome

dom direct you to give speedy some check to the Earls great rage, and fierce proceedings, in a way of Righteousness and equity, according to the power God hath intrusted your Highness with.

To Bear not, my Lord, fear not to own this afflicted cause, and search into it, and the Lord put his spirit upon your Highness, as once he did upon *Saul* and *Moyses*, to relieve your Brethren that suffer affliction in your dayes. If your Highness find the sentence righteous, punish me double to my offence; but if innocency be found in me, and conscience convince you that I suffer much wrong, relieve me, and let not this decree stand in Gods sight upon publick Record much longer.

Be-

hold, O Lord, I am brought low, but yet not below thy help who art the Almighty, whose methode and manner of working is such, as not to step in, till all creature helps fail, and stand as impotent Idols, and say as that King of *Israel*, *If the Lord do not help, how can I help?*

Israels task is increased, and their male Children strangled by *Pharaohs* command, before they are brought out of *Egypt*: *Jonah* cast over board into the mercilesse waters, and buried alive in a more mercilesse Leviathan, before deliverance comes: *Isaac* bound to the wood for a sacrifice before he be released: *Joseph* brought to the prison before his advancement: *Daniel* let down into the Lyons den, before his enemies

Accusation was fruſtrated. The captive Jews under the Kings royal ſignet ſentenced to be maſſacred, before they become favourites in the *Perſian* Court; and the poor men of *Jabeſh-Gilead* brought to diſgracefull Articles, before their inſulting enemies was overthrown, and put to flight: This is Gods uſual manner with his people, whoſe faith he puts upon trial to the utmoſt; not to ſave, till none can ſave: And therefore the Lord keep up our faith that it may not fail. Here we are, if the Lord ſay, he hath no delight in us, let him do with us what ſeemeth him good; but if he pleaſe to conſult his own glory in our deliverance, we will ſay as *Mordecai*, Enlargement and De-

Deliverance shall arise to us, though all should forsake us; but who knoweth whether my Lord Protector be come to the Kingdom for such a time as this, to relieve Christs oppressed ones, who otherwise had been every where crushed, which is the expectation and prayer of Gods people, and in special of

Your Highnes

In all humble Devotion and faithful observance,

Penshurst, July 22. 1659.

THOM. MAUDIT.

2 IY 5B

FINIS.

These Papers being left at Whitehall, August 15. 1658. for the Secretary to communicate to his Highness at Hampton Court: The next morning the Lord commands in a very terrible thunder, which lasted about six houres, and spoke with a loud voice from the chief Cedar of our Lebanon. And delayes being made from time to time by the Secretary, the

the Lord (who is jealous for his oppressed people, and gives quick returns to prayer) pleads again in a very tempestuous wind, and shortly thereupon puts a period to the life of the Lord Protector, which gave occasion of that great mourning that fell out enough about the time that this Judgement was given, the year before 1657, as appears by the Record of the upper Bench Court in the suit of the Earl of Leycester.

Wednesday,

wednesday in 15 days of St. Martin 1657.
unless cause be shewn to the contrary upon Friday next after 15 days of St. Martins, let Judgement be entred for the Plaintiff upon the motion of Serjeant Ellis.

By the Court.

Observable also it was in the next Parliament called January 27. 1658. how God testified against Pedrage in the hot Contests between the Houses about it, and at length changed the whole Government: and in the Parliament assembled, May 7. 1659 the house declared both against a single Person and

Pro. 22. 23